



ENTERED

**TAWANA C. MARSHALL, CLERK
THE DATE OF ENTRY IS
ON THE COURT'S DOCKET**

The following constitutes the order of the Court.

Signed February 23, 2006

Barbara J. Houser
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IN RE:

KUM SUN HENDRICKSON,
Debtor.

MICHELLE KIM
Movant,

V.

KUM SUN HENDRICKSON,
Respondent.

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Case No. 04-81261-BJH-13

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CONNECTION WITH ORDER DENYING CONFIRMATION AND DISMISSING CHAPTER 13 CASE

On February 2, 2006, the Court held an evidentiary hearing on the Motion of the above-styled Debtor, Kum Sun Hendrickson (the “Debtor”) for Confirmation of her Chapter 13, and on the objection to confirmation of Michelle Kim, the holder of a claim against the Debtor’s estate. The Debtor and Michelle Kim appeared, and both testified. The Court, having considered the evidence and argument of counsel, makes the following Findings of Fact and Conclusions of Law.

Any Finding by the Court may be deemed a Conclusion, and Conclusion a Finding, for purposes of the record.

Findings of Fact

1. On February 18, 2005, the Debtor filed an Affidavit with the Court in Support of Debtor's Answer to Motion for Relief from Automatic Stay (the "Affidavit"). The Affidavit was sworn to and contains the following false statements:

- "I speak and understand English fairly well ... "
- "As of this day, Michelle Kim has not paid me any of the money required under the Contract for Deed."

2. In the Schedule J filed by the Debtor in the above-styled and numbered case, the Debtor substantially understates the following expenses of the Debtor:

- Utilities
- Home maintenance
- Food
- Transportation (not including car payments)
- Medical and dental expenses
- Charitable contributions
- Taxes

3. The Debtor testified that she has no intention of paying the claim of creditor Michelle Kim, who holds a claim for rejection of an executory contract as set out in the Court's Memorandum Opinion and Order Denying Motion to Assume or Reject Lease of May 24, 2005, entered in connection with this case.

Conclusions of Law

1. Based upon the Court's careful examination of the totality of the circumstances, and on the findings of fact set out above, the Court finds that the Debtor has not carried her burden to demonstrate that the above-styled and numbered case is filed in good faith.

Accordingly, this case must be dismissed pursuant to 11 U.S.C. § 1325(a)(3). See *In re Chaffin*, 836 F. 2d 215 (5th Cir. 1988).

###End of Findings and Conclusions ###

SUBMITTED BY:

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